

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00091/2019

Dated the 01st day of June Two Thousand Twenty

**CORAM : HON'BLE MR. P. MADHAVAN, Member (J)
HON'BLE MR. T. JACOB, Member (A)**

R.Chandramouli,
S/o. N.V.Radhakrishnan (late),
Aged about 53 years,
Superintendent (Retd),
Residing at Flat No. 9, Sundersri Apartments,
Door No. 20, Ramanujam Street,
T. Nagar, Chennai 600017.Applicant

By Advocate M/s. Menon, Karthik, Mukundan & Neelakantan

Vs

1.Union of India, rep by the Chairman,
Central Board of Indirect Taxes & Customs,
North Block, New Delhi.

2.Principal Chief Commissioner of GST & Central Excise,
Tamil Nadu, South Commissionerate,
Chennai 600035.Respondents

By Advocate Mr. A. P. Srinivas (R1 & 2)

ORDER

(Pronounced by Hon'ble Mr. P. Madhavan, Member(J))

This is an OA filed seeking the following reliefs :

- "1. To set aside the order dt. 11.12.2018 passed by the 2nd respondent and consequently,
2. To direct the respondents to grant Grade Pay of Rs. 5,400/- in PB-2 to the applicant with effect from 01.01.2006, upon completion of four years of service in the Grade Pay of Rs. 4,800/- as per the dictum of the Madras High Court dated 06.09.2010 made in WP 13225 of 2010 with all consequential benefits including arrears of pay, grant of MACP benefit in PB3 GP 5400 w.e.f. 01.01.2016 upon completion of 10 years of service in PB2 GP 5400 and on that basis revision of terminal benefits such as pension, gratuity etc and also arrears of such revised pensionary benefits and also costs and pass such further or other orders as may be deemed fit and proper."
2. The main point to be considered in this case is whether the applicant who was working as inspector on 11-11-1988 was granted the Ist ACP after completing 12 years of service and was given 7500-12000 scale in the grade pay of Rs. 4800/, is entitled to get non-functional upgradation to pay scale 8000-13500 with grade pay Rs. 5400 on completion of 4 years in the scale of 7500-12000 is the question to be decided in this case.
3. The applicant is relying on the decision of the Hon'ble Madras High Court in *Subramonian V Union of India and others* (in WP 13225/2010 decided on 6-9-2010) which was not interfered with the Hon'ble Apex Court eventhough Civil Appeal no. 8883/11 was disposed of by order of dismissal dt.10.10.2017. The applicant Chandramouli was granted the

first ACP after completion of the 12 years on 18-7-2000(Anexure A1). The revised pay structure table was produced as AnnexureA5. The applicant has also produced a copy of the judgement in *RK. Tripathy and 5 others v Union of India* in OA no. 1707/2016 decided by the Principal Bench dt. 11.4.2018 following the dictum laid down by the Hon'ble Madras High Court as Anexure A8. So, according to the applicant, the impugned order (A14) denying the same benefit to the applicant is liable to be set aside.

4. The respondents filed reply denying the claim of the applicant. But the counsel for the respondents did not dispute the orders passed by the Hon'ble Madras High Court and the Principal Bench of the Tribunal in the case of similarly placed employees.

5. We had carefully gone through the decision of the Hon'ble Madras High Court in “*Subromanians*”case and the decision of the Principal Bench in “*R.K. Tripathy's*” case. The applicant's case is clearly covered by the above decisions. There is no reason to deny the benefit to applicant. The applicant is also entitled to get the benefit of the above orders.

6. Hence, we hereby set aside the impugned order A14 dated 11-12-2018.

7. The respondents are directed to consider the case of Non-functional upgradation on completion of 4 years and grant

consequential benefits as prayed for within a period of 3 months from the date of receipt of copy of this order.

8. Original Application is allowed. No cost.

**(T.Jacob)
Member(A)**

**(P. Madhavan)
Member(J)**

01.06.2020

SKSI